

I. Claim Rejections Under 35 U.S.C. § 102

A. Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Davidson. This rejection is respectfully traversed.

The Examiner asserts that Davidson '043 discloses a folding seat assembly for a vehicle comprising a seatback (12) having a seat bottom (16) pivotally mounted thereto, and a detent mechanism (24, 34, 38, 40) for providing a resistance to the seat bottom when the seat is folded in an upright position and in a seating position. The Examiner further asserts that Davidson further discloses the use of an inertia latch (26) for engaging the seat bottom in the upright position during a rapid deceleration of the vehicle. Applicant respectfully disagrees with the Examiner's assertion. In particular, the element 16 referred to by the Examiner as a "seat bottom" is in fact an arm rest (see column 2, line 9). The seat bottom of Davidson '043 is element 14 as shown in Figure 1. The seat bottom 14 is not shown as being capable of being folded in an upright position and a seating position as set forth in independent Claims 1 and 3. Therefore, Applicant respectfully request reconsideration and withdrawal of this rejection.

B. Claims 1-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Groce et al. This rejection is respectfully traversed.

The Examiner asserts that "Groce et al discloses a folding seat assembly 10 in an extended cab truck comprising a seatback (34) having a seat bottom (32) pivotally mounted thereto, and a detent mechanism (36) for providing a resistance to the seat bottom when the seat is folded in an upright position and in a seating position. Groce et al further discloses the use of an inertia latch (38) for engaging the seat bottom in the upright position during a rapid deceleration of the vehicle." Applicant respectfully disagrees with the Examiner's assertion.

In particular, the inertia latch 38 as shown in Figure 6 engages the seatback 34 and is secured to the backwall 44 (see column 5, lines 9-13). Thus, the inertia latch 38 does not engage the seat bottom 32 in the folded upright position. Furthermore, the inertia latch 38 does not act in response to a rapid deceleration of the vehicle, as claimed, but instead engages the seatback 34 in the folded upright position in response to a lateral impact force, since the seat structure is utilized on the sidewall of the vehicle (see column 5, line 12). The inertia latch 38 of Groce et al is ineffective during rapid deceleration of the vehicle. Accordingly, Applicant respectfully submits that the device of Groce et al '828 fails to teach or suggest an inertia latch mechanism for "engaging a seat bottom in a folded upright position in response to a rapid deceleration of a vehicle," as claimed in each of the independent Claims 1, 3 and 6. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

II. Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding office action, and as such, the present application is in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at (248) 576-8017.

Prompt and favorable consideration of this amendment is respectfully requested.

Please charge any fees or credit any overpayment pursuant to 35 CFR § 1.16 or § 1.17
to Deposit Account No. 03-1800.

Respectfully submitted,

Dated:

1/19/99

By:

Roland A. Fuller III
Roland A. Fuller III, Reg. No. 31,160

DaimlerChrysler Corporation
DaimlerChrysler Technology Center
800 Chrysler Drive East
CIMS 483-02-19
Auburn Hills, Michigan 48326-2757
Phone: 248-576-8017